

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>MASON JAMES YUEILL, et al.</b> <i>Plaintiffs,</i>  <b>v.</b>  <b>SMITHKLINE BEECHAM CORPORATION d/b/a GLAXOSMITHKLINE,</b> <i>Defendant.</i>	<b>CIVIL ACTION NO. 11-2820</b>
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**PLAINTIFFS' NOTICE OF MOTION  
TO REMAND PURSUANT TO 28 U.S.C. § 1447(c)**

Plaintiffs, by and through their counsel, respectfully move to Remand Plaintiffs' Complaint to the Court of Common Pleas of Philadelphia County where it was originally and properly filed, and proper service effected, as Defendant's removal violates 28 U.S.C.A. § 1441(b) since Defendant is a Pennsylvania citizen with its principal place of business in Pennsylvania; therefore, removal was improper. (Exhibit A) Further, the facts and evidence have been thoroughly discovered, argued and ruled upon by the Honorable Timothy J. Savage. For all the reasons set forth in the Memorandum Opinion of Judge Savage dated March 24, 2011, this case should be remanded. (Exhibit B-Memorandum and Opinion dated March 23, 2011; Exhibit C-Order dated March 24, 2011) A proposed form Order is attached hereto as Exhibit D.

For the Court's reference, despite the prior ruling on March 24, 2011 by the Honorable Timothy J. Savage on Paxil birth defect cases previously removed by this Defendant, on April 27, 2011 Defendant filed Notices of Removal in 21 Paxil birth defect cases, including this matter, which were filed on March 28 and 29, 2011 in the Philadelphia Court of Common Pleas.

Based upon the foregoing, as well as Plaintiffs' accompanying Memorandum being filed herewith, Plaintiffs respectfully request this Court to remand this matter to the Philadelphia Court of Common Pleas.

Dated: May 3, 2011

Respectfully submitted:

**FELDMAN & PINTO**

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